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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/550,449

11/17/2005

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Soper-video

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EXAMINER

NGUYEN, HUNG

ART UNIT

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2851

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/550,449	Applicant(s) SOPER ET AL.	
	Examiner Hung Henry V. Nguyen	Art Unit 2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 6, 8, 10 and 11 are objected to because of the following informalities:
 2. As to claims 6, 8, 10 and 11, the terms of “whereby, thereby” render the claims unclear since it has been held that the functional “whereby”/ or “thereby” statement does not define any structure and accordingly can not serve to distinguish. In re Mason, 114 USPQ 127, 44 CCPA 937 (1957).
 3. Regarding claim 11, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).
- Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakano et al. (US 6,746,125.)

Art Unit: 2851

With regards to applicant's claim 1:

Nakano teaches in figures 1-9 a projector including:

A housing (outside casing shown for example in figure 2 part 2 is the housing); and An optical engine (the optical engine is shown in figure 7), said optical engine including a liquid crystal display (LCD) projector (parts 441 shown in figure 4 are LCD modulators this combined with projection lens 46 makes it a liquid crystal display projector) to project and image displayed in said LCD projector and further including an objective lens (projection lens 46 in figure 4 is an objective lens) which is fixed to the optical engine (as clearly shown in figures 7 and 8 of Nakano) to focus said image onto a distal surface therefrom.

With regards to applicant's claims 2 and 4

As shown in figure 4 the light passes from the light source 413 through the following optical elements: absorption filter (UV filter which would absorb at least some heat as is claimed in applicant's claim 4), lenses 414, 416, polarizer 415 (as is claimed in applicant's claim 4), mirrors 424 and 421 and condenser lens 417 (as is claimed in applicant's claim 4) and LCD polarizer 417 (as is claimed in applicant's claim 4.)

With regards to applicant's claim 3:

As described in column 6 lines 1-7 the light source includes a parabolic mirror (412 in figure 4), which those of ordinary skill in the art would recognize make the light collimated (parallel).

Art Unit: 2851

With regards to applicant's claim 5:

As shown in figures 5,7, and 8 the optical engine includes two sides (case 47 includes a right and left side respective of the projection lens), and top clip (part 57 shown in figure 8 and described as assisting in holding the various optical members in a fixed location in column 9 line 50 through column 10 line 14.)

With respect to claim 6, the housing (2) includes a body section adapted to house the optical engine and a lid (211) whereby removal of the lid allows access into the body section.

With regards to applicant's claims 7-10 and 14:

Nakano teaches in figures 1-9 a projection apparatus including:

A housing (outside casing shown for example in figure 2 part 2 is the housing);

A light source (part 413 shown in figure 4) positioned within said housing;

A fan (parts 71 and 50 of figure 7 as well as 70 of figure 3) positioned within said housing;

an optical engine including a longitudinal base member adapted to house an objective lens at its front end, two side walls extending upwards adjacent its rear end, an upper clip forming an enclosure with said side walls and said base member, said enclosure adapted to hold spaced apart optical elements therein such that said optical elements and said objective lens are coaxially aligned, said optical engine positioned within said housing in front of said light source (As shown in figures 5,7, and 8 the optical engine includes two sides (case 47 includes a right and left side respective of the projection lens), and top clip (part 57 shown in figure 8 and described as assisting in holding the various optical members in a fixed location in column 9 line 50 through column 10 line 14)) ;

Art Unit: 2851

A substantially hollow channel extending between said optical engine and said housing (as shown in figure 6 channel 51, which is a hollow duct directs air (labeled B and A) from the optical engine to the housing; and at least two cooling vents forming part of said housing, said first vent located substantially above said optical engine (vent 235 of figure 2 can be considered to be above the optical engine (above is a relative term, when the projector has vent 235 facing up, it is above), and said second cooling vent located at the rear of said housing (vent 24A in figure 1 can be considered to be at the rear of the housing when the projection lens is considered to be at the rear of the housing (rear or back and front are relative terms)), said fan drawing air from said first vent, through said channel and optical elements, and out of said housing through said second vent (See figure 6 which shows the direction of the air flow (A and B in figure 6)) wherein the projection lens (46) is fixed to the optical engine to focus the image onto a distal surface therefrom (see figures 7 and 8).

With respect to claims 11-13, although Nakano does not expressly disclose the claimed electronic componentry, claimed inputs, various control components for controlling the characteristics of the image, or a transformer, these elements are seen to be inherent teachings of the projector and it is apparent that these elements must be present for the projector to function as intended.

Response to Amendment/Argument

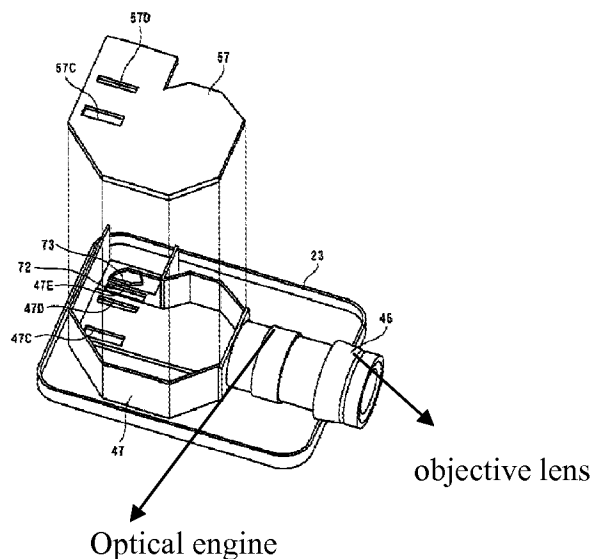
6. In response to the objection of the claims, Applicant states that a preliminary amendment has been filed and submitted by hand-delivery on September 30, 2005. However, there was no

Art Unit: 2851

such amendment on the record. Applicant also states that "a copy of the filed preliminary amendment is also enclosed in this response" but the mentioned copy of the filed preliminary amendment has not been included along with the response filed September 3, 2008 .

In view of the amendment filed September 2008, the objection to claims 6-13 as being in improper form is now withdrawn.

Turning to the prior art rejection, applicant's arguments have been carefully reviewed but they are not found persuasive. Applicant argues that claims 1 and 14 have been modified to provide that the objective lens is fixed to the optical engine. This aspect provides the durability and portability as the optical engines with lens attached is more durable than a similar device where the objective lens is part of the housing. This in fact is the system described in the US 7,097,397"; the Examiner respectfully disagrees with the Applicant. Firstly, Nakano et al meets all of the limitations of claims 1 and 14 as discussed above. As clearly shown in figures 7 and 8 of Nakano, the objective lens (46) is fixed to optical engine.



Art Unit: 2851

Secondly, the US 7,097,397 to Keightley is related to 'Hole Saw Assembly, including two hole saws' and has nothing to do with the instant claimed application. Applicant's argument is not understood since the U.S. 7,097,397 is never used as prior art to against the instant claims of the present application.

With the above reasons, the rejection the claims based on the reference of Nakano (U.S.Pat. 6,746, is maintained as set forth above.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Henry V. Nguyen whose telephone number is 571-272-2124. The examiner can normally be reached on Monday-Friday (First Friday off).

Art Unit: 2851

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diane Lee can be reached on 571-272-2399. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Hung Henry Nguyen/
Primary Examiner
Art Unit 2851**

hvn
11/20/08